

# MANDATE

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of August, two thousand twenty-one.

Before: Jon O. Newman, \*  
John M. Walker, Jr.,  
Steven J. Menashi,  
*Circuit Judges.*

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Dr. Alan Sacerdote, Dr. Herbert Samuels, Mark Crispin Miller, Marie E. Monaco, Dr. Shulamith Lala Straussner, Dr. James B. Brown, individually and as representatives of a class of participants and beneficiaries on behalf of the NYU School of Medicine Retirement Plan for Members of the Faculty, Professional Research Staff and Administration and The New York University Retirement Plan for Members of The Faculty, Professional Research Staff and Administration,

### JUDGMENT

Docket No. 18-2707

Plaintiffs - Appellants,

v.

New York University,

Defendant - Appellee,

The Trustees of Columbia University in the City of New York,

Intervenor.



The appeal in the above captioned case from a judgment of the United States District Court for the Southern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

Circuit Judge Ralph K. Winter, originally a member of this panel, died on December 8, 2020. Circuit Judge Jon O. Newman has replaced Judge Winter on the panel for this appeal. *See* 2d Cir. IOP E(b).

MANDATE ISSUED ON 09/07/2021

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the judgment of the district court is AFFIRMED in part, VACATED in part, and the cause is REMANDED to the district court for further proceedings consistent with this Court's opinion.

For the Court:  
Catherine O'Hagan Wolfe,  
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit